

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK L. BUNCE,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Civil Action
	:	No. 2:23-cv-01740
VISUAL TECHNOLOGY INNOVATIONS,	:	
INC.	:	
	:	
and	:	
	:	
MATHU G. RAJAN,	:	
	:	
Defendants.	:	

STATUS REPORT

1. Is the case ready for trial? If not, why not?

Plaintiff's Position: Not ready for trial but should be within 60 days if Defendants meet their discovery obligations. The case is not yet ready for trial because Defendants have failed to produce important documents, such as internal emails concerning the loan and all relevant testimony (and exhibits) by persons in other lawsuits, which testimony appears to contradict Defendant Mathu Rajan's representations to Plaintiff Mark Bunce in inducing him to loan \$1 million to Defendant Visual Technology Innovations, Inc. ("VTI") Defendants have refused to identify all the other shareholders and investors in VTI or to explain how the \$1 million loaned by Bunce has been used. It appears to have been used for purposes inconsistent with Rajan's representations to Bunce. The parties recently met and conferred concerning these and other deficiencies, and Plaintiff may need to file a motion to compel the production of this information. Plaintiff also needs to respond to

Defendants' counterclaims, which are frivolous. The third-party complaint is irrelevant to Plaintiff's claims in this lawsuit.

Defendants' Position: Not ready for trial. Plaintiff's deposition was requested before discovery deadline and was not arranged. Plaintiff's request to extend the deadlines is still pending. Answer, Counterclaims (three) and 3rd Party Complaint was filed on 3/26/2024. No responsive pleadings yet to fully plan remaining discovery is needed in case since pleadings are not yet closed. Defendants have asserted three Counterclaims and a third party Complaint against Timothy McCarthy (a new party). That claim is very important to Plaintiff's claims of fraud and unjust enrichment as he was the one that helped bring Mr. Bunce and talked him to waiting for his promised monies in VTI. Defendants' dispositive motions will be filed once deadlines for them are extended and pleadings close and responses analyzed.

2. What discovery has been completed and what remains to be done?

Plaintiff's Position: In response to two set of requests for production, Plaintiff Bunce has produced his documents in their entirety. Plaintiff Bunce has fully responded to three sets of interrogatories from Defendants. Plaintiff Bunce has fully responded to one set of requests for admission from Defendants. Defendants have the following discovery deficiencies (among others): (a) Defendants have failed to state, in response to interrogatories, how the \$1 million Bunce loaned to VTI has been used or to provide documents sufficient to enable a meaningful accounting; (b) Defendants have failed to identify all shareholders and investors in VTI, some of which are believed to be fictitious persons; (c) Defendants have produced only about 15 pages of internal emails concerning the loan to Bunce; (d) Defendants have not produced meeting minutes, balance sheets,

annual reports, and other requested documents concerning VTI; and (e) in U.S. Bankruptcy Court cases filed by Rajan with respect to another company he owns, and in a related state-law case in Delaware, various persons have provided testimony that relates to VTI and that contradicts Defendant Rajan's representations to Plaintiff Bunce that induced him to loan \$1 million to VTI; but Defendants have not produced all those transcripts and have omitted the exhibits from what they have produced. In addition, Defendants contend that Rajan is too ill to be deposed or to testify at a trial in the near future, which representation was also made to the U.S. Bankruptcy Court for the Eastern District of Pennsylvania, but then Rajan testified after all. Plaintiff has requested a HIPAA release that would enable Rajan's health status to be verified. Once these deficiencies have been corrected, and Defendants answer pending discovery requests, discovery should be complete. Plaintiff also will be serving requests for admission concerning the authenticity of various documents to be used at trial.

Defendants' Position: a) depositions of Plaintiff and his wife depending on his answers b) written discovery (interrogatories, admissions, document request) and deposition of 3rd party Defendant Timothy McCarthy. Remaining discovery may also be shaped once the Court Rules on Pending Motion to Compel (filed about 1/26/24) (only requests that documents be reviewed by Magistrate Judge since Common Interest Privilege Asserted.)

3. Will the parties benefit from a settlement conference? If so, when will you be ready?

Plaintiff's Position: Plaintiff Bunce is amenable to participating in a settlement conference and can do so anytime, so long as Defendants confirm they have substantial funds to commit to settlement and demonstrate they are willing to participate in good faith.

Defendants' Position: Open to idea if Plaintiff open also.

4. Do the parties consent to the jurisdiction of a magistrate judge?

Plaintiff's Position: Plaintiff Bunce seeks the most timely and efficient prosecution of this matter and defers to the Court as to whether assigning this case to U.S. Magistrate Judge Elizabeth Hey for jurisdiction and trial would accelerate a just and fair resolution. He welcomes trying this matter before U.S. District Court Judge Kai N. Scott or Judge Hey.

Defendants' Position: Yes, if the jury trial request is preserved and not waived.

Respectfully submitted,

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